



HB 298 – Eviction Surcharge
HEARING BEFORE THE JUDICIAL PROCEEDINGS COMMITTEE, FEBURARY 16, 2022 at 1:00 PM
POSITION: SUPPORT

The Pro Bono Resource Center of Maryland (“PBRC”), an independent 501(c)(3) non-profit organization, is the statewide thought leader and clearinghouse for volunteer civil legal services in Maryland. As the designated pro bono arm of the Maryland State Bar Association, PBRC provides training, mentorship, and pro bono service opportunities to members of the private bar. We respond to acute legal needs identified in areas across the state by piloting and operating innovative direct pro bono service projects targeting specific legal problems or populations.

PBRC urges a FAVORABLE report on HB 298 for two reasons: PBRC supports HB 298 because the increased evictions surcharge will relieve stress on courts and encourage landlords to work with renters on repayment rather than rushing to court. Additionally, the Maryland Legal Services Corporation (“MLSC”) needs the revenue from the additional surcharges to sustain its funding of critical civil legal services, including those provided by PBRC, to vulnerable residents of our state. For every dollar invested in civil legal services, the state realizes savings of \$6.

In May 2017, with a grant from the Maryland Judiciary’s Access to Justice Department, PBRC launched the **Tenant Volunteer Lawyer of the Day Program (TVLD Program)** in Baltimore City Rent Court to provide day-of-court legal representation to tenants who appear unrepresented for their proceedings. That program was extended to assist tenants with extended representation when necessary with MLSC funding in Baltimore City and more recently, in Baltimore County. PBRC attorneys have seen first-hand the number of tenants who appear in court ready to work with the landlords to pay their rent or with a valid defense to an eviction. For many tenants, serial, monthly Failure to Pay Rent filings are a true hardship, requiring them to miss work or disrupt their children's school to repeatedly come to court only to learn that the action has been dismissed by the landlord. Judgments on their credit report also negatively impact their ability to rent again. **In 2021, over 76% of Rent Court clients represented at court either avoided an eviction entirely based on a valid defense, had their cases dismissed by the landlord or were granted a postponement delaying their eviction. The increase in the surcharge for summary ejection cases will encourage landlords to work with renters on repayment, which will ultimately reduce rental debt and negative effects of serial filings on tenants and families while preventing unnecessary strain on the court system.**

Furthermore, the increased surcharge in both summary ejection cases and civil cases in general will funnel much-needed funds to MLSC to help fund work like the Rent Court Program. MLSC funding comprised 29% of PBRC’s budget in fiscal year 2021. In addition to Rent Court, PBRC’s projects include home preservation (covering tax sale, advance planning, and foreclosure prevention), consumer protection, immigration (including unification of unaccompanied children with their families), and senior stability. These projects incorporate extensive volunteer service components through community, courthouse and remote clinics that offer essential legal help to thousands of clients in need. PBRC also recruits, trains, and engages hundreds of pro bono attorneys in the myriad of civil legal areas that impact low-income individuals. **Grant funding from MLSC helps makes this possible.**

While PBRC supports HB 298 as drafted, if the bill is amended to allow landlords or the court to pass on this increase to the tenant under any circumstances, the primary purpose of the bill will be eviscerated. There would no longer be any disincentive for landlords to file serial eviction actions, and the benefit to the courts would be lost. The extra charge would be borne by those least able to handle it, and more tenants would be evicted unnecessarily. **PBRC and Renters United Maryland would oppose any surcharge increase in which that surcharge may be passed onto the tenant under any circumstances.**

In sum, PBRC, a member of Renters United of Maryland, urges a FAVORABLE report on HB 298.

Please contact Katie Davis, Director of PBRC's Courtroom Advocacy Project, with any questions.
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